Notes for Rulewriters

This booklet is designed to help the new rulewriter understand important dos and don'ts of rulewriting and to remind experienced rulewriters of practices that contribute to error-free rulemaking. Following these guidelines can help you avoid having a rulemaking package returned without publication and will allow the Secretary of State editors to focus on searching for substantive errors. For a more in-depth look at rulemaking, consult the current edition of the *Arizona Rulemaking Manual*.

1. Autoformatting

Turn off autoformatting in your word processing program *before* creating a document. If a document contains autoformatted text, the subsection numbers and letters disappear when the file is formatted in the Office's publishing program.

Autoformatting also inserts fraction symbols *(½, ¾)* and superscript ordinals *(7th)* that can disappear. Turning the autoformatting option off will prevent this from happening.

In Microsoft Word, go to Format>AutoFormat... and click on "Options." In the AutoFormat and AutoFormat As You Type tabs, make sure all of the boxes are not checked (leave them white).

2. Track changes and conditional text

Make sure track changes is turned off under Tools in Word. Files created with track changes cannot be imported properly into the Office's publishing software.

If you have Tools>Track Changes turned on in Word at any time during preparation of your rule package, the rule package you submit on disk will contain conditional text when the Office prepares it for publication. Conditional text is underlined or stricken, appears blue or red, and *does not match the hard copy* you submit to the Office. Significant inaccuracies can result from the use of these files, and the Office may delay

publishing a rule package created with track changes or return the package to the agency.

In Word, go to Tools>Track Changes>Highlight Changes and make sure the boxes are not checked (remain white).

3. Proper base text

When publishing rule changes in the *Register,* an agency must accurately show the changes to the rules currently in the *Code.* Be sure to use the current effective rules in the *Code* as the base text from which to show changes.

Retyping existing rules often introduces errors. The Office recommends that an agency download the RTF version of its rules from the SOS web site and alter the text from there. Contact the Office if you are not sure which version of rules is the most current.

4. Examples of notices

It's helpful to use other agencies' published notices as models for your own. To locate examples of different types of notices, go to the index printed in each issue of the *Register* and refer to past issues.

5. Cutting and pasting

When cutting and pasting from one document to another (e.g., notice headings and headings for agency receipts and certificates) make sure that all the information is correct.

6. Colored text

Never use colored text as part of any notice filed with SOS. (See "track changes.")

7. Page numbers

Consecutively number all pages of any rulemaking package filed with SOS.

8. Page number references

Never refer to a part of your rulemaking package by its page number location. The page numbers of the copy filed with SOS will be different when published in the *Register* and *Code*.

9. Spacing

Never use two spaces after a period, colon, or state abbreviation. Computers, unlike typewriters of the past, adjust character spacing so that a double-space is not needed to make readers understand that they have reached the end of the sentence. However, the headings for supplementary material (such as Appendices, Illustrations, Exhibits, Tables, etc.) should be indented two spaces from the left in the Table of Contents.

10. Quotation marks

Follow these long-established American printers' rules:

• The period and the comma always go within the quotation marks.

• The dash, the semicolon, the question mark, and the exclamation point go within the quotation marks when they apply to the quoted matter only. They go outside the quotation marks when they apply to the whole sentence.

• The exception is when a single item enclosed in quotation marks is just a number or letter. (*The applicant may sign her name with an "X".*)

11. Tabs

Tab, don't space, after all subsection labels and notice form item numbers.

Correct:
A.TAB→
   1.TAB→
     a.TAB→
      i.TAB→

Correct:

3.TAB→<u>**A citation to all published notices relating to the proceeding:**</u>

It is acceptable if your paper or electronic copy has tabs that are underlined or stricken.

12. Returns

When providing information for notice forms, hit return at the end of an item number and begin the "answer" on the next line.

Incorrect:

3.   <u>**A citation to all published notices relating to the proceeding:**</u> Notice of Proposed Rulemaking: 9 A.A.R. 4811, November 7, 2003

Correct:

3.   <u>**A citation to all published notices relating to the proceeding:**</u>
Notice of Proposed Rulemaking: 9 A.A.R. 4811, November 7, 2003

13. Hard returns

When typing a sentence, do not use a hard return until you are ready for a new paragraph. Only hit return (or "enter") to separate paragraphs or subsection levels. Set margins and always allow sentences of a single paragraph to wrap around automatically.

14. Subsection labeling

Before filing a rulemaking package, be sure to check the subsection labeling. Are the subsection levels in alphabetical and numerical order? If a Section begins with an opening paragraph, is the first subsection a level 2 subsection?

15. Avoid using more than four subsection levels

If you have to use more than four, the following labels apply:

A. (level 1)

B.

C.

    1. (level 2)

    2.

    3.

        a. (level 3)

        b.

        c.

            i. (level 4)

            ii.

            iii.

                (1) (level 5)

                (2)

                (3)

                    (a) (level 6)

                    (b)

                    (c)

16. Strikethrough or underline subsection labels and their periods

Incorrect: *Correct:*

~~A.~~   ~~A.~~

~~B~~<u>A</u>.   ~~B.~~<u>A.</u>

~~C~~<u>B</u>.   ~~C.~~<u>B.</u>

17. Item numbers

Refer to the numbered sections on notice forms as "items" instead of "questions."

Correct: A person may submit written comments to the analyst listed in *item #4.*

18. Never strike or underline *part* of a word or number

Incorrect: *Correct:*

~~d~~Department   ~~department~~ Department

R9-22-~~101~~102   ~~R9-22-101~~ R9-22-102

A.R.S. § 28-~~1001~~1201   A.R.S. § ~~28-1001~~ 28-1201

19. Striking and underlining the same text

There is never a reason to both strike and underline the same text in a rulemaking package filed with SOS.

20. Docket opening "magic language"

To avoid filing additional docket openings for a rulemaking, an agency can enter the following language directly after the last listed Section number: "(As part of this rulemaking, the Department may add, delete, or modify additional Sections as necessary.)"

21. Table of Contents

The Table of Contents is the list of Articles and Sections that follows the Preamble and precedes the full text of the Articles and Sections. The Table of Contents starts on the page following the last item in the Preamble. Include a Table of Contents in any Notice of Proposed Rulemaking, Notice of Supplemental Proposed Rulemaking, Notice of Exempt Rulemaking (Proposed and Final), Notice of Emergency Rulemaking, and Notice of Final Rulemaking.

Use a period after Section numbers in the Table of Contents, and place the word "Section" after each Article heading.

> Section
> R3-4-401.TAB→Definitions
> R3-4-402.TAB→Labeling
> R3-4-403.TAB→Noxious Weed Seeds

22. Proper rulemaking action

The rulemaking action intended by an agency must be accurate in the Preamble, Table of Contents, and text of the rules. It matters because the rulemaking action is reflected in the Historical Note and the index of the *Register*. The types of rulemaking action listed in the Preamble are the following: Repeal, Renumber, Amend, and New Section (or Article, Table, Exhibit, etc.).

The maximum number of actions on a Section is three, taken as applicable in this order: Repeal, Renumber, Amend, New Section.

Remember that a Section number and its heading will always look the same in the Table of Contents as they do in the text of the rules.

23. Renumbering Sections

Avoid renumbering whenever possible. Agencies understandably use renumbering to "clean up" their rules, but the Office has found that renumbering frequently proves to be time-consuming and can introduce errors. If the intended result of the renumbering is merely cosmetic, SOS prefers that the agency not do it. (See Section 3 of the *Arizona Rulemaking Manual* for examples.)

24. Verify that Sections and subsections referred to in a rule actually exist

Sometimes after renumbering or amending rules, citations to other Sections or subsections need to change. An agency can make these corrections by normal rulemaking or by sending the Office a letter requesting the changes (A.R.S. § 41-1011(C)).

25. Tables

When creating a Table, make sure the rows of the Table are connected rather than separated (each row should not be created as its own Table).

26. Special symbols

Many times special symbols do not translate properly when imported into the SOS desktop publishing program. It's helpful to the Office if you mark with sticky notes any portions of rulemaking packages containing subscript and superscript text and special symbols (such as $°$, $\leq$, $\geq$, μ, $\pm$, etc.).

27. Endnotes and footnotes

Endnotes and footnotes may not be used in the Preamble or text of a rulemaking package. However, they may be used as part of a Table or other supplementary material, the Economic Impact Statement, and incorporated by reference material.

28. Remember that closing the public record starts the clock on the 120-day time-frame for submitting the final rule package

The close of public record for a proposed rulemaking is the date an agency chooses as the last date it will accept public comments on the rule package. An agency cannot make a rule until the rulemaking record is closed (A.R.S. § 41-1024(A)).

Within 120 days after the close of record, an agency must either submit the rule package to G.R.R.C. or the Attorney General, or terminate the rulemaking. Most agencies do not publicly announce the close of record because of the 120-day time-frame, and instead allow the act of submitting the rule package for approval to be the close of record.

29. Spell check

Always remember to spell-check a rule package before filing it with SOS.

30. Save your rule package as an RTF file

Save your rule package as a Word or WordPerfect document, but also as an RTF file. If the Office cannot open the Word or WordPerfect file on your disk, it's helpful to have an RTF version as a backup.

31. Disks

On the disk's label, include the agency Title and Chapter heading, the type of notice, and the name, address, and phone number of the agency contact person for the rule package. Sometimes the contact person listed in the notice is not the person the Office may need to contact regarding the contents of the package, or to whom the Office needs to return the disk.

32. Staples

Do not staple the original copy of any notice filed with SOS. Staples must be removed before a rulemaking package is scanned, microfiched, and filed in our permanent records.

33. *Register* deadlines

Notices filed for *Register* publication are published three weeks from the weekly Friday deadline. However, notices may be published early or late depending on the volume of filings during a given week. Deadlines and publication dates are printed in each issue of the *Register*.

34. *Code* deadlines

Code deadlines are the last working day of each calendar quarter. Because SOS "pre-publishes" certain *Code* Chapters, it is helpful to let the Office know if you expect to file an exempt or emergency rule during the last few weeks of a quarter. *Code* deadlines are published in each issue of the *Register*.

35. Compare filed copy against *Register* publication

After a notice is published in the *Register,* compare it to the version filed with SOS to see preferred publication styles. Incorporate these changes in subsequent rule packages. The Office can also provide agencies with a "cleaned up" RTF version of any rulemaking package published in the *Register*.